



Office of the Attorney General
State of Texas

DAN MORALES
ATTORNEY GENERAL

October 31, 1995

Mr. Everette D. Jobe
General Counsel
Texas Department of Banking
2601 North Lamar Boulevard
Austin, Texas 78705-4294

OR95-1165

Dear Mr. Jobe:

You ask whether certain information is subject to required public disclosure under the Texas Open Records Act, chapter 552 of the Government Code. Your request was assigned ID# 30790.

The Texas Department of Banking (the "department") received a request for information concerning the conservator of Citizens State Bank of Lometa in Lampasas County. You contend that the request is a request for the department to answer questions. We agree. The Open Records Act does not require a governmental body to answer factual questions. Open Records Decision Nos. 555 (1990), 379 (1983), 347 (1982). However, a governmental body must make a good faith effort to relate a request to information which it holds. Open Records Decision No. 561 (1990). You state that "some of the information sought by [the requestor] may be found within certain documents held by the Department, if the request were interpreted to ask for documents."

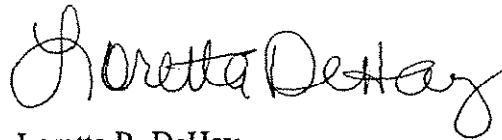
You did not submit documents to this office for review. On January 3, 1995, we asked you for copies of the records at issue and the reasons you believe the requested information is excepted from disclosure. To date, we have not received the requested copies or your arguments for withholding the information.

Moreover, the request letter you received was dated November 22, 1994. You did not request a decision from this office until December 9, 1994. Consequently, you failed to request a decision within the ten days required by section 552.301(a) of the Government Code. Section 552.301(a) requires a governmental body to release requested

information or to request a decision from the attorney general within ten days of receiving a request for information the governmental body wishes to withhold. When a governmental body fails to request a decision within ten days of receiving a request for information, the information at issue is presumed public. Gov't Code § 552.302; *Hancock v. State Bd. of Ins.*, 797 S.W.2d 379 (Tex. App.--Austin 1990, no writ); *City of Houston v. Houston Chronicle Publishing Co.*, 673 S.W.2d 316, 323 (Tex. App.--Houston [1st Dist.] 1984, no writ); Open Records Decision No. 319 (1982). The governmental body must show a compelling interest to withhold the information to overcome this presumption. See *Hancock*, 797 S.W.2d at 381. Accordingly, this information is presumed to be public in the absence of a demonstration that the information is confidential by law or that other compelling reasons exist as to why the information should not be made public, you must release the information in its entirety.

We are resolving this matter with an informal letter ruling rather than with a published open records decision. This ruling is limited to the particular records at issue under the facts presented to us in this request and should not be relied upon as a previous determination under section 552.301 regarding any other records. If you have questions about this ruling, please contact our office.

Yours very truly,



Loretta R. DeHay
Assistant Attorney General
Open Records Division

LRD/LBC/rho

Ref: ID# 30790

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